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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,866	05/25/2000	Neal R Eisenberg	STL9-2000-0058	9640

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INTERNATIONAL BUSINESS MACHINES CORP
IP LAW
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EXAMINER

PANNALA, SATHYANARAYA R

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/579,866

Applicant(s)

EISENBERG ET AL.

Examiner

Sathyanarayan Pannala

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-13 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-13 and 15-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 16 May 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The finality of the application is withdrawn based on the RCE filed on May 16, 2003. Objection to claims 3-6, 9-12, 15-18 is withdrawn based on the applicant's Amendment filed on May 16, 2003. Claims 2, 8, 14 are cancelled on the basis of earlier applicant's Amendment filed on 12/06/2002 (paper# 6). Now, the claims 1, 3-7, 9-13, 15-18 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 3-7, 9-13 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xu et al. (US Patent 6,324,581) and in view of Schmuck et al. (US Patent 5,940,841).

4. As per independent claims 1, 7, 13, Xu rendered by the following:

"generating a request from a client on the local data processing system to the remote data processing system to open a foreign file in the foreign file system" at Fig. 2, col. 8, lines 47-49;

"opening of the of the foreign file by the foreign file system" at Fig. 3, col. 10, lines 14-16;

"sending of the file attributes (interpreted attributes as part of metadata) of the foreign file, hereinafter foreign file attributes, to the local data processing system" at Fig. 3, col. 8, lines 57-59 and col. 10, lines 16-17;

"storing of the foreign file attributes (interpreted attributes as part of metadata) by the local data processing system" (it stores with the data mover and allows for access by the client) at Fig. 3, col. 10, lines 17-19;

"accessing of the foreign file attributes stored in the local data processing system by the local data processing system client to process the foreign file" at Fig. 3, col. 10, lines 12-14;

"processing by the local data processing system client the foreign file using the stored foreign file attributes" at Fig. 3, col. 10, lines 14-19.

"determining a subset of the foreign file attributes which are equivalent to a corresponding subset of tile attributes of the native file system, the subset of the

foreign file attributes hereinafter known as conventional file attributes" at Fig. 2, col. 8, lines 47-59;

"returning the conventional file attributes to the client" at Fig. 3, col. 8, line 65 to col. 9, line 6;

Xu does not teach extended file attributes. However, Schmuck teaches "storing a remaining subset of the foreign file attributes which are not equivalent to a corresponding subset of file attributes of the native file system, the remaining subset of the foreign file attributes hereinafter known as extended file attributes" (at col. 10, lines 43-53). Thus, it would have been obvious to one ordinary skilled in the art at the time of the invention to extract extended file attributes from metadata in order to better access shared disk system.

5. As per dependent claims 3, 9, 15, Xu rendered by the following:

"accessing of the foreign file by the client via a protocol of the native file system, the accessing being performed in a similar manner to accessing a native file system file" at Fig. 1, 4-5, col. 14, lines 9-22;

Xu does not teach using extended file attributes for accessing foreign file.

However, Schmuck teaches "accessing of the foreign file by the client by use of the extended file attributes, the accessing being performed via a protocol different from the native tile system protocol" (at col. 27, lines 10-30). Thus, it would have been obvious to one ordinary skilled in the art at the time of the invention to extract extended file attributes from metadata in order to better access shared disk system.

6. As per dependent claim 4, 10, 16, Schmuck teaches the following:
"starting an expiration timer corresponding to the extended file attributes" at col. 29, line 36 to col. 30, line 37;
"removing the extended file attributes from the local data processing system storage after the expiration of tile expiration timer" at col. 30, lines 4-21.
7. As per dependent claims 5, 11, 17, Xu teaches "the sending of the foreign file attributes is performed by a web server located on the remote system, the web server being capable of sending and receiving messages via a network" at Fig. 1, 4-5, col. 13, lines 36-63.
8. As per dependent claims 6, 12, 18, Schmuck teaches the following:
"storing the extended file attributes in a shared memory portion of the local data processing system storage which is accessible by the client and other local data processing system processes" at Fig. 2, col. 8, lines 47-59;
"associating a unique handle (interpreted unique handle as inode) with the extended file attributes" at col. 1, lines 30-34;
"providing the unique handle (interpreted unique handle as inode) to a local data processing system process to enable the local data processing system process to access the extended file attributes at col. 27, lines 31-62.

Response to Arguments

9. Applicant's arguments filed 12/06/2002 have been fully considered but they are not persuasive as described below:

First, the applicant stated as "However, Xu et al. fails to teach or suggest determining a subset of these second data mover file attribute (foreign file attributes) or determining a subset of the second data mover file attributes which are equivalent to a corresponding subset of a file attributes of the first data mover."

In response to the applicant's argument, Xu teaches at Fig. 2, col. 8, lines 47-59. Xu et al. teaching consists of determining if a foreign file (requested file) is existing in the local directory using the attributes of the file on the basis of requested file and sends same attributes to the data mover that owns the file system.

Second, the applicant stated as "Schmuck et al. also fails to teach or suggest this element, and the examiner does not allege that Schmuck et al. teaches or suggests this element."

In response to the applicant's argument, as responded in the first argument that Xu teaches this limitation. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in

the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Third, the applicant stated as "Regarding independent claims 1, 7 and 13, the Examiner also argues that although Xu et al fails to teach the seventh element, that Schmuck et al. teaches the seventh claim element ..."

In response to the applicant's argument, Schmuck et al. teaches this element (at col. 10, lines 43-53).

Conclusion

10. The prior art made of record, listed on form PTO-892, and not relied upon, if any, is considered pertinent to applicant's disclosure.

11. If a reference indicated, as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose telephone number is (703) 305-9601 for faster service.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (703) 305-3390. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Sathyanarayan Pannala
Examiner
Art Unit 2177

srp
July 11, 2003


GRETA ROBINSON
PRIMARY EXAMINER